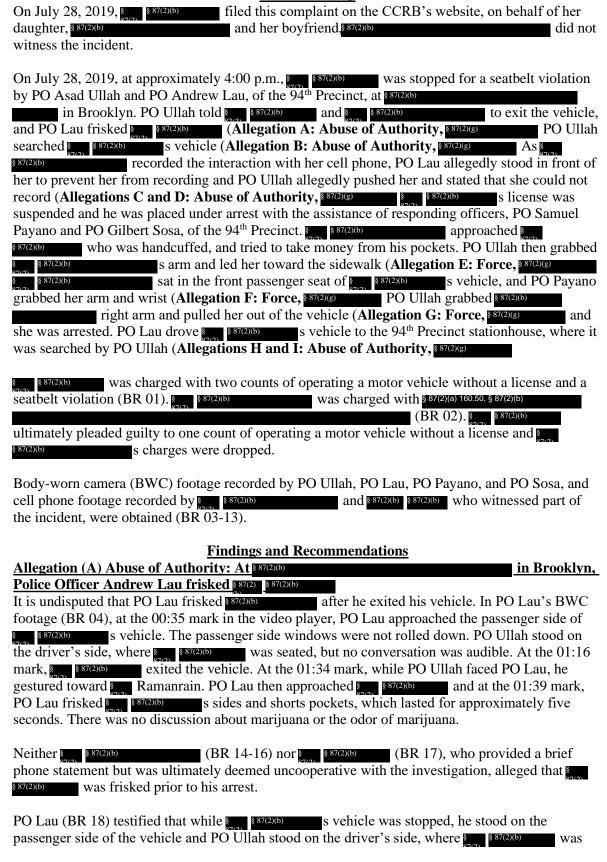
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:	7	Team:	CCRB Case #:		Force	☐ Discou	ırt.	☐ U.S.
Laura Strauss	S	Squad #6	201906594		Abuse	☐ O.L.		Injury
T. (1)				+-		1,004, 00	. T	TO GOY
Incident Date(s)		Location of Incident:		. 1	Precinct:	18 Mo. SC		EO SOL
Sunday, 07/28/2019 4:00 PM		87(2)(b) 94th Precinct stationh	ouse		94	1/28/202	1	9/14/2021
Date/Time CV Reported	(CV Reported At:	How CV Reported	d:	Date/Time	e Received at (CCRI	3
Sun, 07/28/2019 6:44 PM		CCRB	On-line website		Sun, 07/2	8/2019 6:44 I	PM	
Complainant/Victim	Type	Home Addr	ress					
Witness(es)		Home Addr	ress					_
Subject Officer(s)	Shield	TaxID	Command					
1. POM Asad Ullah	07269	963785	094 PCT					
2. POM Andrew Lau	29282	965255	094 PCT					
3. POM Samuel Payano	24048	963203	094 PCT					
Witness Officer(s)	Shield No	Tax No	Cmd Name					
1. POM Gilbert Sosa	25330	963288	094 PCT					
Officer(s)	Allegation	l			Inv	estigator Re	com	mendation
A.POM Andrew Lau	Abuse: At Brooklyn, § 87(2)(b)	§ 87(2)(b) Police Officer Andre	w Lau frisked § 87(2)	in				
B.POM Asad Ullah	Abuse: At Brooklyn, which \$870 occupants.	Police Officer Asad V	Ullah searched the v		e in vere			
C.POM Andrew Lau	Abuse: At Brooklyn, § 87(2)(b)	Police Officer Andre	w Lau interfered wiecording device.	in th ^{§ 870}	2)(b)			
D.POM Asad Ullah	Abuse: At Brooklyn, § 87(2)(b)	Police Officer Asad V	Ullah interfered with ecording device.	in 1 ^{§ 87(2)}	(b)			
E.POM Asad Ullah	Force: At § Brooklyn, against § 870	Police Officer Asad I	Ullah used physical	in force				
F.POM Samuel Payano	Force: At § Brooklyn, against § 870	Police Officer Samue	el Payano used phys	in ical f	orce			
G.POM Asad Ullah	Force: At § Brooklyn, against § 870	Police Officer Samue	el Payano used phys	in ical f	orce			

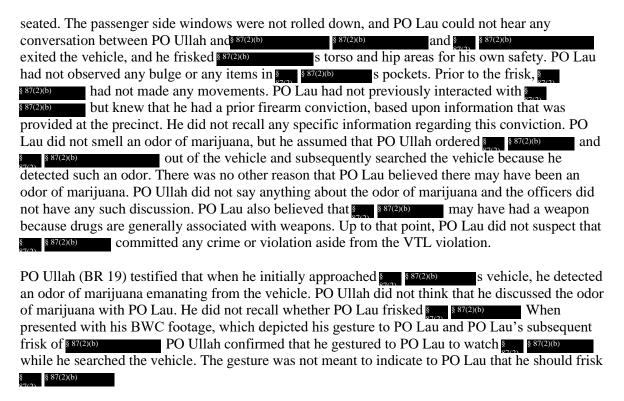
Officer(s)	Allegation	Investigator Recommendation
H.POM Andrew Lau	Abuse: At \$87(2)(b) in Brooklyn, Police Officer Andrew Lau seized \$87(2) s property.	
I.POM Asad Ullah	Abuse: At the 94th Precinct stationhouse, Police Officer Asad Ullah searched the vehicle in which \$\frac{8}{(b)}\$ \$\frac{8}{(2)(b)}\$ were occupants.	

Case Summary



CCRB Case # 201906594

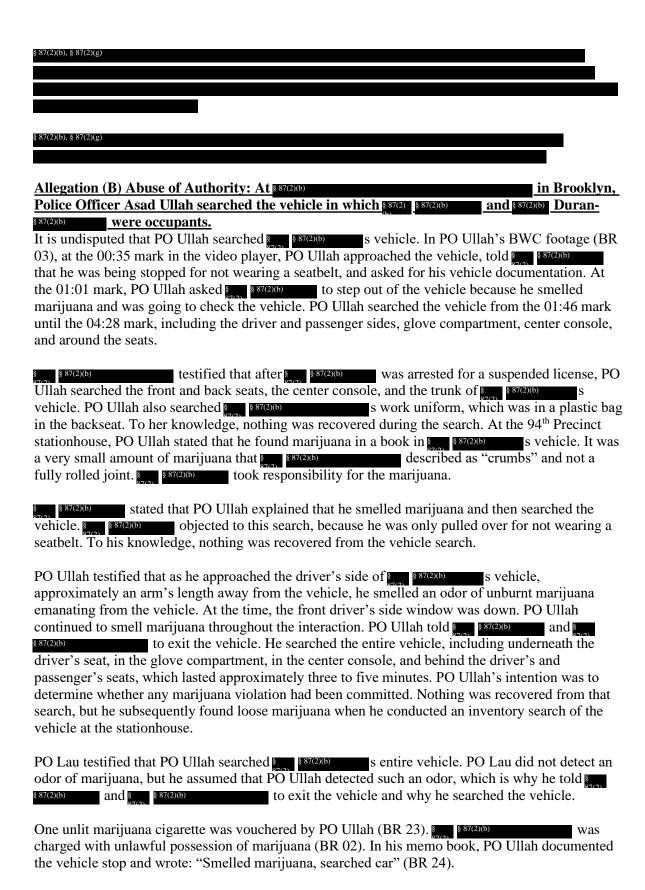
CCRB CTS – Confidential Page 2



A frisk is authorized when the member of the service reasonably suspects the person is armed and dangerous, which may only be conducted during a level three "Terry stop." This includes scenarios in which the officer reasonably suspects that the person has committed, is committing, or is about to commit a violent crime or when the officer observes something on the person that he or she suspects is a weapon. Reasonable suspicion must be based upon a particularized and objective basis, in which the officer must be able to articulate specific facts establishing justification for the action; "hunches or gut feelings are not sufficient." Under the level two common law right of inquiry, an officer who has founded suspicion of criminality may approach an individual and ask accusatory questions. Founded suspicion is a lower level of suspicion than the reasonable suspicion required to conduct a level three stop. NYPD Patrol Guide, Procedure 212-11 (BR 20).

Knowledge of an individual's prior criminal record may be relevant in determining whether an officer's conduct is reasonable under the Fourth Amendment. However, "an officer's mere unscientific guess as to a person's propensity to commit crimes, without some objective indicia that a crime has taken, will take, or may be taking place" is insufficient for the founded suspicion required to ask accusatory questions regarding a civilian's conduct. People v. Boulware, 130 A.D.2d 370 (1987) (BR 21). The odor of marihuana emanating from a vehicle, when detected by an officer qualified by training and experience to recognize it, is sufficient to constitute probable cause to search a vehicle and its occupants. People v. Cuffie, 109 AD3d 1200 (2013) (BR 22).

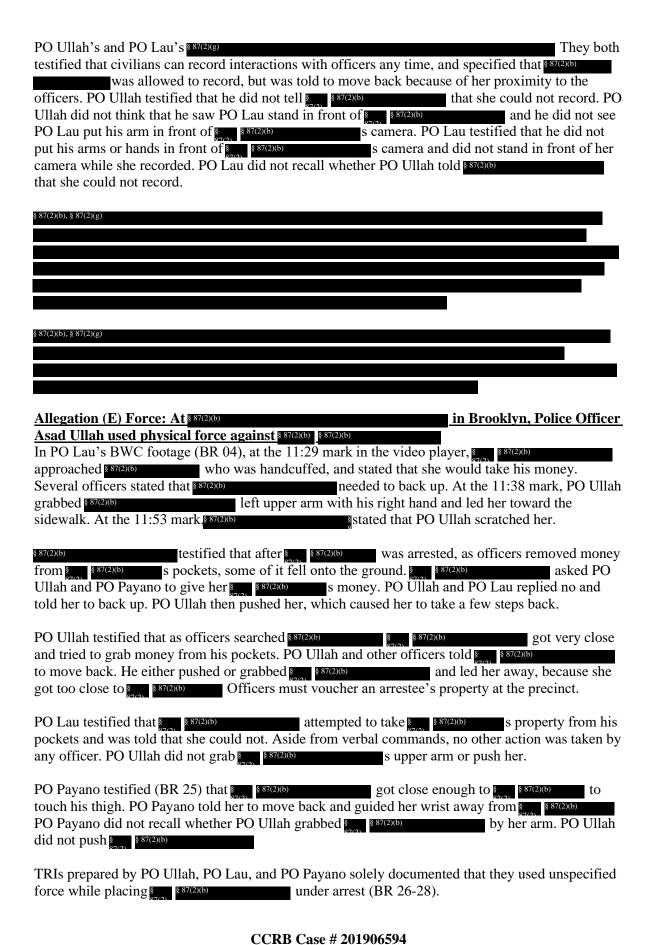
§ 87(2)(b), § 87(2)(g)			



CCRB Case # 201906594

The odor of marihuana emanating from a vehicle, when detected by an officer qualified by training and experience to recognize it, is sufficient to constitute probable cause to search a vehicle and its occupants. People v. Cuffie, 109 AD3d 1200 (2013) (BR 22).

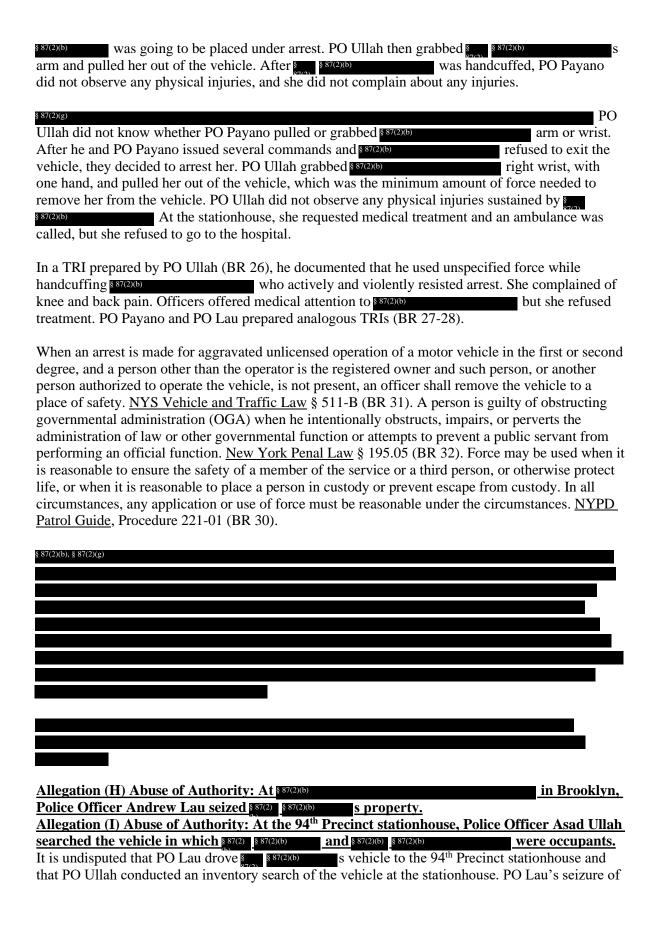
§ 87(2)(b), § 87(2)(g)	
§ 87(2)(b), § 87(2)(g)	
Allegation (C) Abuse of Authority: At \$87(2)(b)	in Brooklyn,
Police Officer Andrew Lau interfered with \$87(2)(b)	s use of a recording
device.	
Allegation (D) Abuse of Authority: At \$87(2)(6)	in Brooklyn,
Police Officer Asad Ullah interfered with \$87(2)(b) device.	s use of a recording
In PO Ullah's BWC footage (BR 03), at the 02:07 mark in the vid	deo player 🔛 Duran-
approached PO Ullah as he searched \$87(2)(b)	
with her cell phone. She stood approximately one or two feet awa	y from PO Ullah. PO Ullah told
that she could record but needed to back	
moved back and appeared to still be recording	
approached PO Ullah again and PO Ullah stated that	
record but needed to do so from a distance because he did not feel then backed up a few feet. PO Ullah did not re	
s solo or push her.	nake any physical contact with
of pash her.	
In PO Lau's BWC footage (BR 04), at the 13:31 mark in the vide	o player, as § 87(2)(b)
recorded the interaction, she walked toward \$87(2)(b)	who was handcuffed. PO
07/2)	stated that PO Lau tried to cover
her camera. PO Lau replied that he was just trying to ensure that s	
again and that she could record if she wanted to. PO I see \$87(2)(6) again and that she could record if she wanted to. PO I	
cell phone footage (BR 10), from the 00:00 mark to	
between \$ \$87(2)(b) and the officers, but did not phy	
recording.	,
testified that when PO Ullah began search	
search with her cell phone. PO Ullah told \$87(2)(b)	to put her phone away. mes around her shoulder or chest.
	nble, but interfered with her ability
to record the interaction. PO Lau stood in front of \$87(2)(6)	to prevent her from
recording and put his arms in front of the camera. § 87(2)(b)	was able to record, but
there were gaps in her recordings because of PO Lau's and PO Ul	
investigation with three short video clips, but was unable to provi	de additional videos because her
phone was in police custody.	

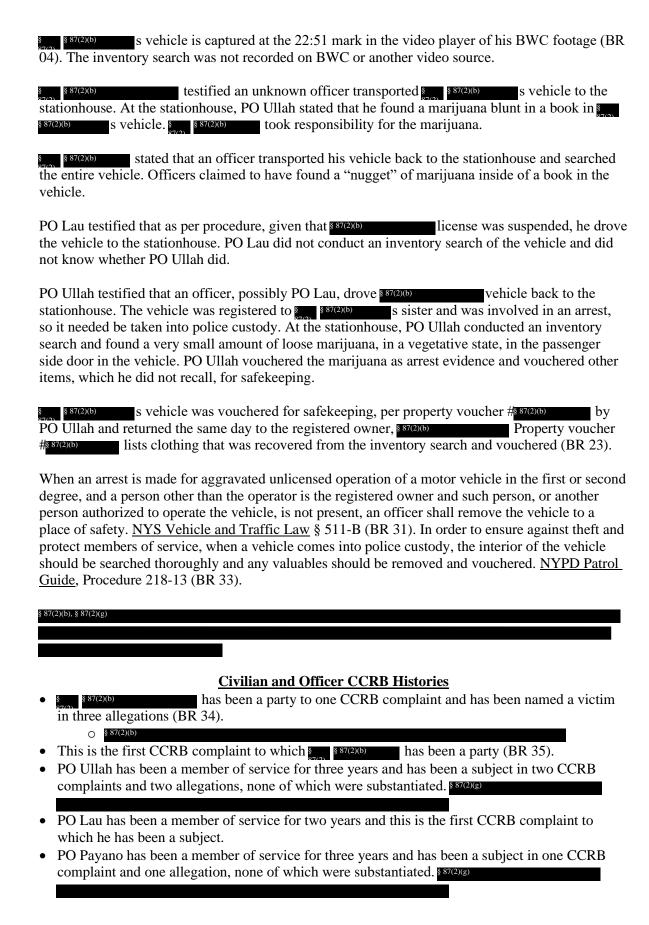


After an arrest has been effected and the prisoner has been handcuffed, immediately frisk and search prisoner for weapons, evidence, and/or contraband. NYPD Patrol Guide, Procedure 208-03 (BR 29). Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. NYPD Patrol Guide, Procedure 221-01 (BR 30).

§ 87(2)(b), § 87(2)(g)
Allegation (F) Force: At \$87(2)(6) in Brooklyn, Police Officer
Samuel Payano used physical force against \$87(2)(b) \$87(2)(b)
Allegation (G) Force: At \$87(2)(b) in Brooklyn, Police Officer
Asad Ullah used physical force against \$87(2)(6) In DO Payara 's DWC footage (DR 07) at the 00117 morth in the video player BO Payara followed
In PO Payano's BWC footage (BR 07), at the 00:17 mark in the video player, PO Payano followed as she walked toward seems subsequently sat in the
front passenger seat. \$\frac{1}{8}\$\frac{1}{8}\$\frac{1}{1}\$\frac{1}{8}\$\frac{1}{1}\$\frac{1}{8}\$\frac{1}{1}\$\frac{1}{8}\$\frac{1}{1}\$\frac{1}{1}\$\frac{1}{8}\$\frac{1}{1}\$1
reach toward something in the vehicle. PO Payano repeatedly told [87] [87(2)(6)] to give
him the keys, and see \$87(2)(b) yelled that she was not under arrest and that PO Payano
touched her. It is not visible what physical contact, if any, PO Payano made with \$87(2)(b)
At the 00:41 mark, PO Payano stated that Duran \$87(2)(b) had to be arrested
and told her to put her hands behind her back. [87(2)(6)] replied no and told PO
Payano to get away from her. At the 01:17 mark, an officer who is off screen pulled \$87(2)(6)
out of the vehicle. This is captured in cell phone video footage recorded by (BR 13), at the 00:36 mark in the video player. PO Ullah grabbed (SR 187(2)(b)) s right
arm with his right hand and pulled her out of the vehicle. She initially landed on her feet and then
knelt onto the sidewalk. \$87(2)(b) moved around to prevent the officers from
arresting her, but was ultimately handcuffed by PO Ullah, PO Payano, and PO Lau.
testified that after \$ 87(2)(b) was arrested, she entered the passenger was arrested.
side of his vehicle to get her work uniform. As she was not under arrest, she did not believe that
anything prevented her from entering the vehicle. PO Payano told \$887(2)(b) to exit
the vehicle and she refused because she did not understand why she needed to do so. As 87(2)(b) reached into the backseat for her work uniform, PO Payano pulled her right arm and
attempted to pull her out of the vehicle. Additionally, PO Payano grabbed [587(2)]
upper arm and wrist in a manner that she described as "roughing up." PO Ullah then pulled
out of the vehicle by one arm and she fell onto on her knees on the sidewalk.
Ullah, PO Payano, and PO Lau then handcuffed her and picked her up from the ground. § 87(2)(b)
sustained scrapes on her knees, which were bleeding, bruising on her arms, and had
neck and knee pain. At the stationhouse, EMTs were called, and they cleaned her scrapes and gave
her icepacks. She refused to go to the hospital because of anxiety.
PO Payano's \$87(2)(g) He clarified that \$1.000 and \$1.
s vehicle was considered part of the officers' investigation and needed to be taken into
custody. PO Payano did not recall whether he grabbed \$87(2)(b) s arm or wrist.
When PO Ullah approached the vehicle, he and PO Ullah mutually decided that \$\frac{87(2)(6)}{2}\$

CCRB CTS – Confidential Page 7





Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- Stool filed a Notice of Claim with the City of New York claiming face, neck, back, hands, and arm injuries, psychological injuries, conscious pain and suffering, mental anguish, loss of personal freedom, and harm to reputation and seeking an amount in excess of the jurisdictional limits of all lower courts as redress (BR 36). There is no 50H hearing scheduled.
- As of April 3, 2020, the NYC Comptroller's Office has no record of a Notice of Claim being filed by \$37,000 in regard to this complaint (BR 37).
- According to the Office of Court Administration (OCA), satisfactory of convictions in New York City (BR 38).

§ 87(2)(b)			
			(BR 39).
Squad No.:	6		
Investigator:	Laura Strauss Signature	Inv. <u>Laura Strauss</u> Print Title & Name	04/22 <u>/2020</u> Date
Squad Leader:	Jessica Peña Signature	IM Jessica Peña Print Title & Name	4/23/2020 Date
Reviewer:	Signature	Print Title & Name	